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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,101	12/11/2000	Benoit Ambroise	10244	3915

23455 7590 05/21/2003

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EXAMINER
VO, HAI

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/734,101	AMBROISE ET AL.	
	Examiner	Art Unit	
	Hai Vo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *14* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taskier (US 3,853,601). Taskier teaches a hydrophilic microporous film comprising a hydrophobic microporous film and a surfactant coating of a silicon glycol copolymer which renders the coated microporous film hydrophilic (abstract). The porous film is an open-celled film wherein the pores are essentially interconnected through tortuous paths which may extend from one exterior surface to another (column 4, lines 5-13). Taskier teaches the porous film made of a copolymer of ethylene and propylene (column 7, lines 50-65). This reads on the limitation of the porous HDPE film (US 6,124,770 discloses the HDPE is simply a copolymer of ethylene and propylene, column 2, line 64 et seq.). The extruded film is subject to cold stretching and hot stretching (column 9, lines 60-62). This reads on the limitation

of a biaxial orientation of the film. Since Taskier is using the same coating process as Applicants to form a surface coating of a silicon glycol copolymer onto the microporous film (column 12, line 30 et seq.), it is the examiner's position that the pores of the film would substantially inherently impregnated with the silicon glycol copolymer. Note In re Best 195 USPQ at 433, footnote 4 (CCPA 1977) as to the providing of this rejection under 35 USC 103 in addition to the rejection made under 35 USC 102.

4. Claims 1-3, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller, Jr. et al (US 6,383,612) in view of Mrozinski (US 5,120,594) and Topolkaraev et al (5,968,643). Waller teaches an inkjet receptor comprising a microporous membrane impregnated with a silicone based surfactant (column 4, lines 29-36). Waller uses the microporous membrane disclosed in Mronzinski (US 5,120,594) (column 4, line 63). Mronzinski teaches a microporous film made of biaxially oriented high density polyethylene (table 2, example 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ high density polyethylene as the microporous membrane because of its readily availability and economic advantage. Waller is silent as to the silicone glycol surfactant. Topolkaraev discloses a list of surfactants including a silicone glycol copolymer (column 8, lines 22-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a silicone glycol copolymer as the surfactant because of its readily availability.

With regard to claim 3, Mronzinski teaches the microporous membrane comprising the tallow amine as a cavitating agent (column 7, line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a cavitating agent motivated by the desire to create the pores within the membrane.

5. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller, Jr. et al (US 6,383,612) in view of Mrozinski (US 5,120,594) and Topolkaraev et al (5,968,643) as applied to claim 1, further in view of Emslander et al (US 5,721,086). The combination of Waller, Mrozinski and Topolkaraev fails to teach or suggest the additional layer applied to the porous membrane. Emslander teaches the image receptor medium including an inkjet layer (column 3, lines 17-19, figures 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the inkjet layer into the image receptor medium motivated by the desire to promote the receptivity of inkjet inks on the image receptor medium.

6. Claims 1-4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller, Jr. et al (US 6,383,612) in view of Anderson et al (US 5,326,391) and Topolkaraev et al (5,968,643). Waller teaches an inkjet receptor comprising a microporous membrane impregnated with a silicone based surfactant (column 4, lines 29-36). Waller is silent as to high density polyethylene microporous membrane. Anderson teaches a microporous film made of biaxially oriented high density polyethylene and comprising calcium carbonate as a cavitating agent

(table 2, column 6, line 52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ high density polyethylene as the microporous membrane because of its readily availability and economic advantage. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ calcium carbonate as the cavitating agent motivated by the desire to create the pores within the membrane upon the film stretching. Waller is silent as to the silicone glycol surfactant. Topolkaraev discloses a list of surfactants including a silicone glycol copolymer (column 8, lines 22-25). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a silicone glycol copolymer as the surfactant because of its readily availability.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waller, Jr. et al (US 6,383,612) in view of Anderson et al (US 5,326,391), Topolkaraev et al (5,968,643) as applied to claim 1, further in view of Emslander et al (US 5,721,086). The combination of Waller, Anderson and Topolkaraev fails to teach or suggest the additional layer applied to the porous membrane. Emslander teaches the image receptor medium including an inkjet layer (column 3, lines 17-19, figures 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the inkjet layer into the image receptor medium motivated by the desire to promote the receptivity of inkjet inks on the image receptor medium.

Withdrawal of Finality

8. Applicant's request for reconsideration of the finality of the rejection of the last Office action mailed March 19 2003 is persuasive and, therefore, the finality of that action is withdrawn.

9. The art rejections in Paper no. 10 have been overcome by the present response.

10. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,124,770 discloses the high density polyethylene can be a copolymer of ethylene and propylene.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV
May 13, 2003

TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700